



PLANNING COMMISSION STAFF REPORT

MEETING

DATE: September 28, 2020

STAFF: Steve Marshall, Planning Manager
(415) 899-8942; smarshall@novato.org

**SUBJECT: PUBLIC HEARING AND POSSIBLE ADOPTION OF RESOLUTIONS
RECOMMENDING CERTIFICATION OF FINAL EIR AND ADOPTION OF
GENERAL PLAN 2035**

REQUESTED ACTION

Conduct a public hearing and adopt:

1. A resolution recommending the City Council certify the Final Environmental Impact Report (“FEIR”) prepared for City of Novato General Plan 2035, its implementing actions, and potential amendments to the Novato Industrial Parks Master Plan and Precise Development Plan relating to life sciences campuses, including:
 - (a) adopting findings related to potentially significant and significant and unavoidable environmental impacts, mitigation measures, and project alternatives analyzed in the FEIR;
 - (b) adopting a Statement of Overriding Considerations related to the significant and unavoidable impacts disclosed in the FEIR; and
 - (c) adopting the Mitigation Monitoring and Reporting Program prepared for General Plan 2035.
2. A resolution recommending the City Council adopt City of Novato General Plan 2035 with recommended text modifications, including its associated land use map (Land Use Map GP-1) with a land use modification related to the Birkenstock property.

EXECUTIVE SUMMARY

General Plan 2035 – Plan Organization & Content

General Plan Elements

General Plan 2035 culminates a nearly 10-year effort to update the 1996 Novato General Plan. General Plan 2035 includes five chapters: Great Places, Environmental Stewardship, Living Well, Economic Vitality, and A City that Works. These five chapters collectively address all mandatory elements of a general plan as stipulated in State planning and zoning law:

State-Mandated Element	Novato 2035 General Plan Chapter
Land Use	Great Places & A City That Works
Circulation	A City That Works
Open Space	Environmental Stewardship & Living Well
Conservation	Environmental Stewardship & A City That Works
Safety	A City That Works
Noise	Living Well
Housing	Great Places & Appendix C

General Plan 2035 also addresses a variety of supplemental issues, including such topics as healthy eating and active living, economic vitality, government services and governance, and community character. Each topic area is discussed from the perspective of existing and future conditions and is assigned goals, policies, and programs intended to guide decisions about land use, new construction, and capital improvements in Novato through 2035. General Plan 2035 (February 2020) can be downloaded at: [General Plan 2035 \(2020\)](#)

A comparison of General Plan 2035 versus the 1996 Novato General Plan can be downloaded at: [Novato General Plan 2035 v. 1996 Novato General Plan](#)

Land Use Map GP-1

General Plan 2035 includes adoption of an accompanying land use map (Map GP-1) which describes the location and assignment of 20 different land use designations citywide. General Plan 2035 predominantly retains the land use assignments of the 1996 Novato General Plan but does include policies directing specific land use amendments. Please see the staff analysis section of this report for a summary of proposed land use changes.

Several of the land use changes proposed by General Plan 2035 involve land use categories offering the opportunity to construct multi-family housing units in mixed-use projects. Where a land use category allows housing, it is possible to request a residential density bonus pursuant to California density bonus law (Government Code §65915). Government Code §65915 was amended in 2019 to offer up to an 80% bonus for a 100% affordable project or unlimited density for 100% affordable projects on a site within a ½-mile of major transit stop (e.g., SMART stations) among other allowances for such projects. Given this circumstance, staff has provided a summary table in the staff analysis section of this report describing the implications of the proposed land use changes in light of Government Code §65915 as most recently revised.

Map GP-1 was developed from a 2016 version of the 1996 General Plan Land Use Map LU-1. Since that time, Land Use Map LU-1 has been amended in several instances by separate actions adopted between 2016 and 2020. Land Use Map GP-1 has been updated to capture these amendments. The most current version of Land Use Map GP-1 can be downloaded here: [Land Use Map GP-1](#)

Housing Element

General Plan 2035 incorporates the 2015-2023 Novato Housing Element. The Housing Element will remain in effect with adoption of General Plan 2035. The region's next housing element cycle is 2023 through 2031. Work will begin on the next housing element as soon as draft regional share figures for Novato are available from the Association of Bay Area Governments (ABAG). The updated element must be certified by January 1, 2023.

Downtown Specific Plan

General Plan 2035 incorporates specific policies and programs of the 1998 Downtown Novato Specific Plan that remain relevant to new development in downtown Novato. As a result, the Downtown Specific Plan will be repealed, and General Plan 2035 will guide development in the Downtown.

Public Outreach & Feedback

General Plan 2035 is informed by extensive review and public outreach efforts that included:

- Preparing an Existing Conditions Report
- Evaluating of goals, objectives and policies of the 1996 General Plan
- Conducting focus area studies
- Preparation and review of policy white papers

Links to download the various reports, studies, staff reports, and meeting minutes developed to support General Plan 2035 are listed in the "Background" section below.

Each of these activities involved input from the community, members of the City's various boards and commissions, and direction to staff from the City Council. These efforts culminated in the first draft of General Plan 2035, which was released for public review in August 2016.

An intensive 4-month long community feedback process was conducted after the release of General Plan 2035. This process involved individual meetings with a variety of organizations, City boards and commissions, and the City Council. In total, the public outreach process involved over 600 participants.

Environmental Impact Report – California Environmental Quality Act (CEQA)

The Draft EIR for General Plan 2035 was presented to the Planning Commission in April 2020 after a 46-day public and agency comment period. The Commission unanimously accepted the Draft EIR and directed staff to proceed with preparing a final EIR (FEIR).

The FEIR was completed in June 2020. The FEIR includes responses to comments received on the Draft EIR, minor text edits to the Draft EIR to amplify certain points of analyses and augment the proposed mitigation measures to clarify implementing actions. The changes made to the Draft EIR are not significant, nor do they change the impact conclusions of the study. The FEIR and its appendices can be accessed here:

[Final EIR - General Plan 2035](#)

[Final EIR Appendices - General Plan 2035](#)

The FEIR recommends several mitigation measures to avoid potential environmental impacts, including three mitigation measures requiring edits to the final version of General Plan 2035:

1. Mitigation Measure BIO-1: Modify Environmental Stewardship Chapter (formerly “Environmental Legacy Chapter”) Goal 1 to read:

“Preserve, enhance, and restore natural areas and features, including Novato’s scenic hillsides, waterways, riparian corridors, ~~and~~ baylands, and special status species.”

2. Mitigation Measure BIO-5: Modify Environmental Stewardship Chapter (formerly “Environmental Legacy Chapter”) Policy EL 3 to read:

“Policy EL 3 Wildlife Habitat. Endeavor to preserve and enhance wildlife habitat areas and wildlife movement corridors in watercourse areas and control human use of these areas necessary to protect them.”

3. Mitigation Measure TCR-1: Add the following policy under Goal CC 1 (p. 2-47):

“Tribal Cultural Resources Protection. The City shall comply with AB 52, which may require formal tribal consultation on a project-by-project basis.”

Statement of Overriding Considerations

As disclosed in the FEIR, General Plan 2035 and the life sciences campus proposal could result in significant and unavoidable transportation impacts related to level of service and vehicle queuing at certain intersections controlled by the California Department of Transportation (CalTrans). These impacts, although capable of being mitigated, are listed as significant and unavoidable since it is uncertain whether CalTrans will issue permits to the City to construct the mitigating improvements. Given this circumstance, a statement of overriding considerations has been prepared for General Plan 2035.

The statement of overriding considerations acknowledges the significant and unavoidable impacts of General Plan 2035, but provides findings supporting the position that General Plan 2035 conveys social, legal, economic, technological, and other benefits that outweigh such impacts. The specific facts supporting this position are provided in Exhibit B of the CEQA resolution presented for Planning Commission consideration.

Mitigation Monitoring and Reporting Program

A mitigation monitoring and reporting program (MMRP) was prepared for General Plan 2035 as required by CEQA. The MMRP summarizes the action(s), timing, frequency, and party(ies) responsible for implementing each mitigation measure. The MMRP guides staff when considering private and capital projects under the broad umbrella of General Plan 2035.

Staff Recommended Revisions to General Plan 2035

Staff is proposing the following modifications to General Plan 2035:

1. Staff recommends retaining the existing land use designation of Light Industrial Office (LIO) applicable to the Birkenstock property (part of the North, North Redwood Focus area). This recommended amendment involves modifying Land Use Map GP-1 to retain the LIO land use designation for Birkenstock and deleting program LU 27a of the North, North Redwood Focus Area (Great Places Chapter of General Plan 2035; p 2-39).

The owners of the Birkenstock property oppose the proposal to assign the Business/Professional Office (BPO) land use designation to the property as they believe it will continue to sit vacant under that designation. They have had much greater interest in the property from light industry users who want to use the existing improvements.

Staff agrees the property should remain assigned the LIO land use designation also recognizing there has been significantly more interest in continuing to use the property for light industrial activities. Novato already has a significant inventory of vacant business and professional office space and a reported lack of available light industrial space.

2. Staff recommends assigning residential density ranges to commercial zoning districts that allow multi-family residential dwellings where mixed with a separately occupied commercial component (mixed-use). Staff is also recommending adding some clarifying footnotes. This amendment involves modifying Table GP-3 *Land Use Categories* (Great Places Chapter of General Plan 2035; p 2-18).

The assignment of density ranges is necessary to support density bonus calculations pursuant to California density bonus law (California Government Code §65915). Currently, Novato's commercial districts contain only an intensity standard for commercial development regulated by floor area ratio (FAR). The FAR standard is also applied as a performance standard based on the ratio of floor area to lot area relating to residential and mixed-use developments.

FAR is not a density metric and cannot be used to calculate a density bonus pursuant to Government Code §65915. This circumstance complicates the administration of mixed-use projects with housing components that are eligible for a density bonus. The addition of density standards will provide needed clarity to the City's regulations.

In February 2020, the Community Development Department published an updated version of General Plan 2035, which included modification of the land use definitions provided in Table GP-3 to list recommend density ranges. A density range of 10.1 to 20.0 units acres was inserted for the Mixed Use, General Commercial Neighborhood Commercial, Commercial Industrial, Business/Professional Office, Light Industrial Office, and Community Facilities land use categories. This density range is consistent with mixed-use development projections contained in Novato’s certified Housing Element (2015 – 2023).

Staff is now recommending subsequent corrections to the land use definitions and density ranges noted for General Commercial, Business/Professional Office, and Light Industrial Office to strike the assignment of density ranges to these designations recognizing that live/work units are appropriately regulated by floor area ratio (FAR) rather than density since this type of land use configuration does not represent a multi-family dwelling, nor does it represent mixed-use development with a multi-family component. Live/work differs from mixed-use in that a live/work unit work integrates living and workspace that must be connected and utilized by the same occupant. Mixed-use involves separately occupied residential units and commercial space. As such, a residential density is not necessary since no independent residential units are permitted in a live/work project.

Staff is also recommending a minor revision to set the density range for the Mixed Use, Neighborhood Commercial, and Community Facilities designations at 10.0 to 20.0 dwelling units per acre instead of 10.1 to 20.0 dwelling units per acre. A fractional density range is not necessary for these designations and is a result of a typographical error.

A density range of 20.1 to 30.0 units per acre was published for the Downtown Core land use designation in February 2020. Upon further consideration, staff is now recommending a density range of 10.0 to 23.0 dwelling units per acre for the Downtown Core land use designation. This density range is consistent with the density assigned to parcels located in the City’s Affordable Housing Overlay. Notably, this density range also represents an increase over what was otherwise projected for parcels in the Downtown Core as published in the City’s certified Housing Element.

These recommended revisions and other minor corrections are described in more detail in the staff analysis section below and specifically identified in the resolution recommending adoption of General Plan 2035.

Recommendation – Certification of FEIR & Adoption of General Plan 2035

Staff recommends the Planning Commission adopt the attached resolutions recommending the City Council:

- a. Certify the FEIR and adopt the Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program for General Plan 2035; and
- b. Adopt General Plan 2035 with: retention of the Birkenstock property as an LIO designated property, modification of Table GP-3 *Land Use Designations* to incorporate the density

and footnote amendments as recommended by staff, and the modifications recommended by the mitigation measures set forth in the FEIR.

NEED FOR PLANNING COMMISSION ACTION

California Government Code Sections 65353(a) and 65354 require the Planning Commission to hold at least one public hearing and provide a written recommendation on the adoption of General Plan 2035 and its associated actions to the City Council. A recommendation for approval must be made by the affirmative vote of a majority of the total membership of the Commission.

Novato's Environmental Review Guidelines require any review body that is advisory to the City Council with respect to a project subject to an EIR to consider the EIR in making its recommendation. Accordingly, the Planning Commission must consider the FEIR and provide a recommendation regarding its certification to the City Council.

BACKGROUND & REFERENCE DOCUMENTS

The City of Novato ("City") has been implementing the 1996 Novato General Plan ("1996 General Plan") for nearly 25-years. The 1996 General Plan ushered in an era of more thoughtful community growth with an emphasis on providing a range of housing opportunities, maintaining community character, and protecting and enhancing the natural resources that define Novato. The 1996 Plan successfully achieved its goals as reflected by numerous community improvements, including: the nearly complete redevelopment of Hamilton Field, reconstruction and enhancement of Grant Avenue, completion of a key segment of the Bay Trail and the Hamilton Wetlands restoration at Hamilton Field, expansion of affordable and market rate housing opportunities throughout Novato, protection of ridgelines, waterways, and wetlands, expansion of transit opportunities, and the addition of new retail, dining, and entertainment venues. Despite these successes and others, the 1996 General Plan, like any long-term plan, has reached a point where it is necessary to update the Plan to address changes in law, technology, social circumstances, economic conditions, and community preferences.

In 2009 the City began its initial effort to update the 1996 General Plan. At that time, the planning program involved three tasks: 1) complete a land use and development study of the Redwood Boulevard corridor between San Marin Drive and Olive Avenue ("North Redwood Corridor"); 2) prepare and adopt the 2007-2014 Housing Element Update; and 3) update the 1996 General Plan. The first two tasks were intended to inform updating the 1996 General Plan. However, updating the Housing Element took priority and was completed in late 2013 after rigorous community debate. As a result, the study of the North Redwood Boulevard Corridor and General Plan update were restarted in 2014.

Existing Conditions Report

The first task of any general plan update is preparation of an existing conditions report (ECR). An ECR presents information on the baseline conditions in a city and is intended to function as a reference document to support policy and program development and preparation of environmental

review documentation for a general plan. The ECR can be accessed here: [Existing Conditions Report](#)

Evaluation of 1996 General Plan Policies & Programs

Over the course of 2014 and early 2015, City staff evaluated the policies and programs of the 1996 General Plan, identifying those that had been implemented, those that had not (and the reasons why not), and those that, in staff's opinion, were no longer relevant. This effort included providing a staff recommendation on whether a policy or program should be retained as is, revised, or deleted.

The policy evaluations were reviewed at public meetings by the Planning Commission, Design Review Commission, Economic Development Advisory Commission, Recreation, Cultural & Community Service Advisory Commission, and Bicycle/Pedestrian Advisory Committee. A consolidated set of feedback was presented to the City Council, which then provided staff with direction on policies and programs from the 1996 General Plan to carry into General Plan 2035. The 1996 General Plan policy and program evaluations can be accessed here:

[Policy & Program Evaluations](#)

Policy White Papers

Eleven (11) separate white papers were prepared for policy issues relevant to General Plan 2035. The purpose of the white paper process was to obtain direction on key issues, which would assist staff in crafting policies and programs for General Plan 2035 and then eventual evaluation in the EIR for the Plan. The white papers addressed:

Bel Marin Keys Industrial Parks

Urban Growth Boundary

Junior Accessory Dwelling Units

Water Availability & Conservation

Hillside & Ridgeline Protection

Complete Streets

Climate Change and Adaptation

Healthy Eating & Active Living

Downtown Novato Specific Plan

Downtown Novato Parking

Transportation Impact Analysis & Vehicle Miles Travelled

These policy papers were presented at public meetings before the Planning Commission and City Council. This effort culminated with City Council direction regarding the development of policy and programs addressed to the noted topics. The policy white papers can be accessed here: [Policy White Papers](#)

Focus Area Studies

Four different areas of Novato were the subject of focus studies since these areas would likely realize development interest over the next 20-years. The areas studied are:

North Redwood Boulevard Corridor

North, North Redwood Boulevard Corridor

Northwest Quadrant Neighborhood

Novato Industrial Parks Master Plan Area

The studies considered a variety of land use and development intensity scenarios, zoning and development standard concepts, and design preferences. The focus areas were each the subject of community workshops and a study paper consolidating issues, opportunities, constraints, and recommendations taken from community input. The studies were presented to the Planning Commission and City Council to provide direction regarding policies and programs to address in General Plan 2035. The focus area studies can be accessed here: [Focus Area Studies](#)

Draft General Plan 2035 - August 2016 Version

The Community Development Department released the first public review draft of General Plan 2035 on August 1, 2016.

As noted earlier, the release of General Plan 2035 initiated a 4-month long community outreach process to familiarize members of the community with the contents of the Plan and receive initial feedback on the policies and programs therein.

The Planning Commission considered General Plan 2035 at a hearing on December 19, 2016. The City Council subsequently provided direction to staff regarding revisions over the course of three meetings in March, April, and May 2017. The staff reports and minutes of these meetings can be accessed here:

[March 7, 2017 - City Council Staff Report](#)

[March 7, 2017 - City Council Minutes](#)

[April 18, 2017 - City Council Staff Report](#)

[April 18, 2017 - City Council Minutes](#)

[May 23, 2017 - City Council Staff Report](#)

[May 23, 2017 - City Council Minutes](#)

Life Sciences Campuses

In January 2017 the City Council considered a request from BioMarin, Inc. to study allowing greater floor area and building heights and modified parking requirements to support the creation of biotech/life science campuses within the Hamilton and Ignacio Industrial Parks. The City Council authorized the analysis of environmental impacts of such zoning modifications in the EIR for General Plan 2035.

The life sciences campus concept developed for study in the EIR included allowing designated life science campus development up to a floor area ratio of 1.2 subject to a 500,000 sq. ft. cap on net new floor area and a maximum building height of 68-feet plus an additional 8-feet for rooftop equipment placement and screening. A floor area cap of 300,000 sq. ft. was also analyzed as an alternative in the EIR.

The City Council staff report and meeting minutes addressing life science campuses can be accessed here:

[January 10, 2017 - City Council Staff Report](#)

[January 10, 2017 - City Council Minutes](#)

Draft Environmental Impact Report

As discussed above, the Draft EIR for General Plan 2035 was presented to the Planning Commission on April 13, 2020 after a 46-day public and agency comment period. The staff report and minutes of this hearing can be accessed here:

[April 13, 2020 - Planning Commission Staff Report](#)

[April 13, 2020 - Planning Commission Minutes](#)

STAFF ANALYSIS

General Plan 2035 is the culmination of significant time and effort dedicated over nearly 10-years by residents, elected and appointed officials, staff, and consultants to study and develop policies and programs addressing a vision of Novato's future. Accordingly, the adoption of General Plan 2035 is a proud moment for Novato and represents the beginning of the Plan implementation.

As the community and Planning Commission consider General Plan 2035, it is important to recognize that general plans are not static documents and are influenced by time, trend, innovation, economics, law, crisis, and opportunity. As such, the decisions made today relative to General Plan 2035 are not cast in stone. Accordingly, staff recommends focusing not on whether the policies and programs of General Plan 2035 represent a right or wrong decision or perfectly balance all interests, but rather does the Plan, as expressed in its vision statement, maintain what we love about Novato while providing for a future that improves upon the present.

The discussions below do not attempt to cover each and every component of General Plan 2035, but rather focus on:

- Notable revisions made to General Plan 2035 between the original draft published in August 2016 and current draft of the Plan released in February 2020
- Identification of key issues arising after the original publishing General Plan 2035 in 2016 and staff recommendations thereon

The Planning Commission can recommend modifications to General Plan 2035. However, amendments need to be considered in light of the Final EIR with respect to whether a requested change remains within the scope of the environmental analysis prepared for General Plan 2035. Staff can assist the Commission in determining whether a given change is within the scope of the Final EIR. Proposed changes that fall outside of the EIR analyses would require revision and recirculation of the Draft EIR resulting in deferred action on General Plan 2035. This is a matter the City Council would need to consider if the Planning Commission recommends additional modifications to General Plan 2035.

Notable Revisions - General Plan 2035 (February 2020)

The current version of General Plan 2035 was released in February 2020 and reflects revisions made after Planning Commission review and City Council direction on the General Plan in late 2016 and early 2017.

The initial draft of the General Plan 2035 (2016) was well received by the community and decision makers, which resulted in revisions generally representing refinements to clarify and strengthen the intent of proposed policies and programs, as well as adding supplemental text providing additional context. The following are, in staff's opinion, revisions worth highlighting and explaining for the benefit of the public and Planning Commission.

Population, Job Growth, & Development Forecasts

Between the time that the 2016 draft of General Plan 2035 was published, and the revised version released in 2020, the Association of Bay Area Governments (ABAG) completed its forecasting work on Plan Bay Area 2040 (July 2017). The 2020 draft of General Plan 2035 was updated to reflect those forecasts. Accordingly, Tables GP-1 and GP-4 of General Plan 2035 have changed since first published in 2016.

Table GP-1 (p. 2-14) was updated to reflect population and job growth forecasts for Novato as published in Plan Bay Area 2040. Below are the specific changes to Table GP-1 between the 2016 version and 2020 version of General Plan 2035:

- projected population increased from 3,200 residents to 3,340 residents
- households/residential units increased from 870 units to 930 units
- projected jobs decreased from 2,100 to 1,400 jobs

- employed residents was dropped as a data category

Plan Bay Area 2040 predicts slightly more population and households in the Bay Area but shows a lower rate of job growth with the majority of new jobs concentrated in urban areas. Thus, the changes to Table GP-1.

Table GP-4 (p. 2-21) of General Plan 2035 provides existing and proposed development figures and was amended from the 2016 to 2020 version of General Plan 2035.

- The “Residential” category was adjusted to increase potential residential development from 870 units to 930 units to match Plan Bay Area 2040’s projection as noted in Table GP-1.
- 500,000 sq. ft. of life sciences campus floor area was added to the “Industrial” land use category resulting in a net increase in potential industrial development of 332,312 after factoring for the loss of 167,888 sq. ft. of industrial floor area due land use changes anticipating conversion of the Birkenstock warehouse (approx. 135,000 sq. ft.) into office use and existing industrial floor area (approx. 32,000 sq. ft.) in the North Redwood Boulevard Corridor focus area shifting to retail use.
- The “Commercial” and “Office” categories slightly declined in floor area due to modification of project proposals under review at that time.

As the Planning Commission may be aware, the Metropolitan Transportation Commission/Association of Bay Area Governments (MTC/ABAG) is currently updating Plan Bay Area (Plan Bay Area 2050) and assigning new regional housing needs allocations (RHNA) to local agencies for the next housing element cycle (2023 through 2031). As such, a number of population, jobs, and housing scenarios are being discussed, but have yet to be adopted by MTC/ABAG. The draft scenarios being contemplated by MTC/ABAG indicate increased housing growth in Novato beyond what is currently projected in General Plan 2035. Despite this circumstance, the City should continue with adoption of General Plan 2035 as proposed recognizing the MTC/ABAG’s projections are in a draft form and the next Housing Element update and associated environmental review will address whatever RHNA level is ultimately assigned to Novato.

Life Sciences Campuses

As discussed above, the City Council directed staff to study the concept of allowing life science campuses within the Ignacio and Hamilton Industrial Parks.

General Plan 2035 (2020) was revised to acknowledge the development of life science campuses by assigning a floor area ratio of 1.2 to the Light Industrial/Office (LIO) land use designation (see Table GP-3; p. 2-18) for the sole purpose of supporting such campuses and applicable only to the Ignacio and Hamilton Industrial Parks (subareas of the larger Novato Industrial Park). In addition, General Plan 2035 includes Economic Vitality Program EV 1j: Life Sciences. *Promote expansion of the life science industry. Consider zoning incentives to facilitate life science campus developments.*

Adoption of General Plan 2035 does not immediately allow the City to consider applications for life science campuses. Staff must still complete the specific master plan language to regulate life science campuses, including addressing the administration of the net development cap of 500,000 sq. ft., maximum building height of 68-feet, the specifics of rooftop equipment screening, application processing procedures, expiration of approvals, parking requirements, travel demand management program details, traffic monitoring, and other components customary to regulating land uses through the City's Planned District (PD) process. This effort will immediately follow adoption of General Plan 2035 and include hearings before the Planning Commission and City Council assuming life science campuses are an adopted component of the General Plan.

Hotel Floor Area Ratio

Table GP-3 (p. 2-18) of General Plan 2035 was amended to offer a maximum floor area ratio of 0.7 for hotels on parcels designated Mixed Use, Neighborhood Commercial, General Commercial, Business/Professional Office, and Light Industrial Office. This change was made with City Council direction and is intended to support hotel development in Novato. In addition, this change avoids rendering the recently approved Residence Inn on Redwood Boulevard as non-conforming with respect to floor area ratio (FAR). Residence Inn is slated to be constructed on a site that is the subject of a land use change under General Plan 2035. This amendment takes the property from Commercial Industrial (CI) with an FAR of 1.0 to General Commercial (CG) with an FAR of .40. Residence Inn was approved at an FAR of 0.64 consistent with the CI land use designation and would be immediately rendered non-conforming under the CG land use designation; increasing the FAR for hotels to 0.70 avoids such an outcome.

Issues Arising After City Council Direction on General Plan 2035 (2016)

The following discussion addresses key issues that arose after the City Council gave direction regarding revisions to the initial draft of General Plan 2035. These issues are:

1. The assignment of residential density ranges to non-residential land use designations allowing housing units when combined in a mixed-use project with a qualifying non-residential use;
2. A request to retain the existing land use designation applicable to the Birkenstock property; and
3. Amendment of State housing law and its implications with respect to proposed land use amendments in General Plan 2035.

Each of these topics are discussed below.

Residential Densities for Non-Residential Land Use Designations

Novato's non-residential land use designations (e.g., Neighborhood Commercial (CN), Mixed-Use (MU), Downtown Core (CD), etc.) are currently assigned only a land use intensity based on floor area ratios (FAR), but no residential density is currently assigned. Currently, some of the

land use designations list an increment of floor area that can be used to incorporate residential dwelling units into a mixed-use project where combined with a qualifying non-residential use(s).

In 2018 the City was asked to consider a density bonus request for First & Grant (former Pini Hardware site; 1107 Grant Avenue), a mixed-use project including residential units and ground floor retail space. During the review of this request, the City Attorney's office and staff realized that, if an applicant were to request a density bonus to construct additional dwelling units in a mixed-use project, it would not be possible to calculate such a bonus pursuant to State density bonus law (California Government Code §65915) using an FAR. First & Grant was observed to comply with the applicable FAR and was not seeking additional density bonus units. As such, it was not necessary to resolve the question of how to perform a density bonus calculation at that time. However, this issue needs to be clarified for future density bonus requests.

In calculating a density bonus, Government Code §65915 relies on density (dwelling units per acre) to determine what percentage of density bonus an agency must grant to developer based on the top end of the density range applicable to a given site and factoring for the percentage of affordable units and level(s) of affordability (e.g., low, very low, etc.) included in the project. This law applies to all residential developments, including multi-family dwellings and the residential component of mixed-use projects where certain requirements are met. While the City is able to rely on the Housing Element's presumed density (20 dwelling units per acre) for mixed-use projects to calculate a density bonus for such proposals, identifying applicable density levels in the land use definitions of General Plan 2035 is the clearest way to convey density assignments.

Based on the observations above, staff modified Table GP-3 (Great Places Chapter; p. 2-18) of General Plan 2035 (February 2020) to list recommended density ranges taken from the Housing Element. Upon further review of state housing laws, staff would like to confirm and modify certain recommended density assignments as described below.

Neighborhood Commercial (CN), Mixed Use (MU), and Community Facilities (CF) – Recommend a density range of 10.0 to 20.0 units per acre. This density range is recommended since it is consistent with the density level (20 dwelling units per acre) used to project future unit yields on mixed-use sites in Novato's Housing Element (2015 – 2023). Table GP-3 would be modified to change the density range from 10.1 to 20.0 dwelling units per acre to 10.0 to 20.0 dwelling units per acre since it is not necessary to distinguish density ranges with a fractional unit as is the case for traditional multi-family residential designations.

General Commercial (CG), Commercial Industrial (CI), Business/Professional Office (BPO), and Light Industrial Office (LIO) – Recommend deleting the currently listed density range. These land use designations only allow live/work units that combine living and workspace in a single unit and require a resident to use both spaces. Live/work units do not represent multi-family dwelling units, nor mixed-use development and are therefore not eligible for a density bonus. As such, it is not necessary to assign a density range for live/work units and such units would remain regulated by FAR as indicated in Table GP-3.

Downtown Core (CD) - Change the density range from 20.1 to 30.0 to 10.0 to 23.0 units per acre. A density range of 20.1 to 30.0 units per acre was previously listed for the Downtown Core land

use designation in General Plan 2035 (February 2020). At the time, staff focused on determining a maximum density level that would support and encourage residential mixed-use projects in the downtown. This density range is above the maximum density recognized in the Housing Element (20 dwelling units per acre).

Upon further consideration, staff is now recommending a density range of 10.0 to 23.0 dwelling units per acre for the Downtown Core land use designation. A density range of 10.0 to 23.0 dwelling units per acre continues to represent an increase over what was otherwise projected (20 dwelling units per acre) for mixed-use projects on select parcels assigned the Downtown Core land use designation as published in the City's certified Housing Element and is consistent with the maximum density for parcels assigned to the City's Affordable Housing Overlay.

It is also important to note that in any given case, the City can consider a density bonus greater than that mandated by Government Code Section 65915. Such additional bonuses would be discretionary on the part of the City and would generally be subject to project specific environmental review.

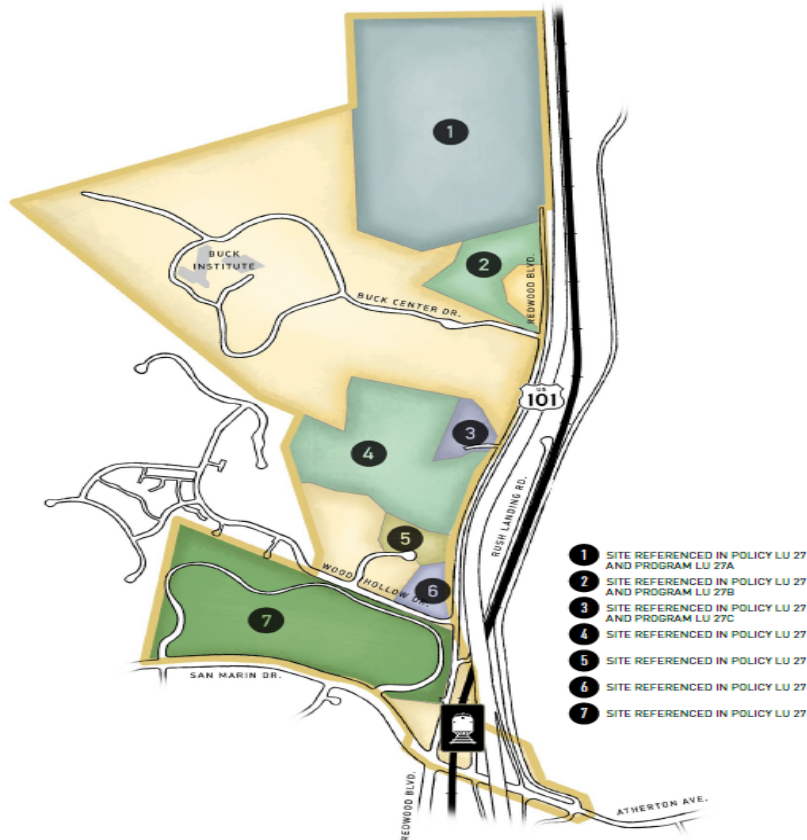
The City cannot eliminate or reduce the opportunity for housing development where it has already allowed the potential for such development. Doing so would violate recent amendments to State law prohibiting such actions. The recommended density ranges do not represent a reduction in development intensity since the recommended density ranges are consistent with those factored into Novato's Housing Element and which currently represent the minimum housing level that must be allowed pursuant to State housing law. The recommended density ranges represent a clarification of the appropriate metric to calculate housing development consistent with State density bonus law and facilitate a clear application of State law to individual projects proposed pursuant to General Plan 2035. Finally, the maximum potential FAR levels allowed in the noted districts remains unchanged from the 1996 General Plan to General Plan 2035. Accordingly, affected properties can still request maximum FAR levels for commercial only projects or devise a mixed-use project with a floor area and multi-family housing unit blend that maximizes use of available FAR and density.

FAR will continue to be a component of the noted land use designations. Accordingly, mixed-use projects would need to have both a conforming residential density and overall floor area meeting the maximum floor area ratio, except where a density bonus request may dictate otherwise.

Birkenstock Property – Land Use Amendment

As originally published, General Plan 2035 includes several land use changes in the North, North Redwood Boulevard Corridor focus area, including re-designating the Birkenstock, PG&E, and Wright parcels from Light Industrial Office (LIO) to Business and Professional Office (BPO). This focus area is addressed in General Plan 2035 beginning on page 2-36; Figure GP-8, p 2-37 identifies the location of these properties as nos. 1 (Birkenstock), 2 (PG&E), and 3 (Wright).

FIGURE GP-8 NORTH, NORTH REDWOOD CORRIDOR



The proposed land use changes in this focus area are based on the North, North Redwood Corridor Study (2014). The Study affirmed a desire to see these parcels used for office and research and development activities, preferably that of a life science company(ies). The BPO designation was selected since it narrowed the range of land uses that could be allowed on these properties recognizing LIO permits a more expansive variety of light industrial activities, such as warehousing and product manufacturing, that are not allowed by BPO. While LIO supports office and research and development uses, there was concern the properties could be reused for one or more of the other light industrial uses allowed under LIO at the expense of an opportunity for biotech/life sciences research and development use.

Representatives of the Birkenstock property sent correspondence (attached for Commission reference) to the City opposing the proposed land use change noted above. The Birkenstock property has been for sale for several years and prospective buyers have generally been interested in using the site for light industrial uses. However, light industrial buyers have been reportedly unwilling to commit to the property based on the City's proposal to assign the BPO land use designation to the site, an action that would render light industrial uses non-conforming. Staff has met with several potential buyers regarding continued light industrial uses at Birkenstock and can confirm concerns about the proposed land use change.

Staff has revisited the land use proposal for the Birkenstock parcel and offers the following

observations:

- The LIO land use designation currently applicable to the Birkenstock property allows office and research and development uses so it is not necessary to re-designate the site to support the vision of the North, North Redwood Corridor Study;
- Based on conversations with local commercial real estate brokers, Novato's existing inventory of office space is sufficient to absorb many years' worth of office demand and additional BPO designated land is not necessary;
- According to local commercial real estate brokers, there has been stronger market interest in light industrial spaces since many small companies need to combine design, production, warehousing, and office space in a single location. However, Novato has a limited amount of land designated for light industrial use, primarily the Novato Industrial Park and Hamilton Landing, and prospective tenants have difficulty finding available light industrial space; and
- Local biotechnology firms have been focusing on the Hamilton and Ignacio Industrial Parks for expansion opportunities and several have made significant commitments to these areas in the form of investment in research and development labs and manufacturing facilities.

Based on these observations, staff is recommending the Birkenstock site be retained as an LIO designated property. Implementing this change would involve modifying Land Use Map GP-1 and deleting references to Program LU 27a. Table GP-4 would also need to be rebalanced to reflect retaining Birkenstock warehouse as industrial space versus office space. The resolution recommending adoption of General Plan 2035 presented for Planning Commission consideration acknowledges these changes.

Land Use Changes & State Housing Law

General Plan 2035 contemplates a number of land use amendments and corresponding zoning changes, some of which increase residential development potential to help support redevelopment of properties. These land use changes were developed through early stages of General Plan 2035 preparation, including the focus area workshops involving Downtown Novato, North Redwood Corridor, and North Redwood Corridor. For example, 15 properties along Redwood Boulevard between Vallejo Avenue and Pinheiro Circle would be assigned the Downtown Core land use designation, which would allow multi-family residential dwellings in mixed-use projects with densities as mentioned above.

Since publishing the proposed amendments in 2016, State law has been amended to add streamlined, ministerial review under Senate Bill 35 (January 2018) and density bonus law was modified by Assembly Bill 1763 (2019) to offer greater density bonus options effective January 2020. The changes to density bonus law and certain provisions of Senate Bill 35 affect the intensity and design of eligible residential and mixed-use projects, much of which is beyond the control of local agencies. Given this circumstance, staff believes it is prudent to acknowledge these particular

laws with respect to the land use amendments contemplated in General Plan 2035.

The following links can be used to access summary papers describing key components of State density bonus law and Senate Bill 35:

[Density Bonus Law Summary](#)

[Senate Bill 35 Summary](#)

The following table describes the proposed land use and zoning amendments included in General Plan 2035 and provides observations about residential development types, recommended density, and potential applicability of State density bonus law and Senate Bill 35 among other key points.

Description	Policy Implications
<p>Change 15 parcels on both sides of Redwood Boulevard between Vallejo Avenue and Pinheiro Circle from General Commercial (CG) to Downtown Core (CD) with Downtown Core Business (CDB) as the implementing zoning district. Please see Program LU 14a and Figure GP-6 (p. 2-28 & 2-29) for a program description and location of these parcels.</p>	<p>Increases maximum FAR from 0.4 to 2.0 (with potential to include housing in a mixed-use project).</p> <p>Multi-family dwellings would be acceptable in a mixed-use project.</p> <p>Renders some existing uses non-conforming, in particular auto related activities. Non-conforming uses can continue operating, but will not be able to expand, relocate within an existing site, or be reconstructed if destroyed.</p> <p>Base height limit of 35-feet for CG or CD. However, potential to receive design review approval for increase to 45-feet under CD versus 42-feet under CG.</p> <p>Recommended density is 10.0 to 23.0 dwelling units per acre for CD.</p> <p>These parcels are located within ½-mile of Downtown SMART station.</p> <p>SB 35 and State density bonus law could be applied to qualifying mixed-use (multi-family residential combined with a commercial use) proposal under the CD designation.</p> <p>Retaining the CG designation would only allow live/work uses, which do not represent multi-family dwellings or mixed-use development.</p> <p>Of note, the recent mixed-use development application submitted by ROIC for the property surrounding the Trader Joe’s shopping center is premised on approval of the proposed extension of the</p>

Description	Policy Implications
	<p>CD land use designation along Redwood Boulevard. Specifically, this land use change sets the basis for ROIC to request further extension of the CD designation to its property. Without extending the CD land use designation north along Redwood Boulevard, neither multi-family dwellings, nor mixed-use projects would be allowed in this area. Live/work would be the only option to incorporate development with a residential occupancy component.</p>
<p>General Plan land use map and zoning map change for seven parcels on the east side of Redwood Boulevard between Olive Avenue and Rush Creek Place from Commercial Industrial (CI) to General Commercial (CG). Please see Program LU 26a and Figure GP-7 (p. 2-33 & 2-34) for a program description and location of these parcels.</p>	<p>Changes allowable land uses from industrial activities to largely retail and service commercial.</p> <p>Renders some existing uses non-conforming, in particular the landscape supply yard, recycling center, and contractor storage yards. The new dog kennel (Park-a-Pup) would be non-conforming with respect to FAR. Such uses can continue operating, but will not be able to expand, relocate within an existing site, or be reconstructed if destroyed.</p> <p>Shift to CG decreases FAR from 1.0 to 0.40, with exception of hotels assigned an FAR of 0.70.</p> <p>Live/work is allowed under CG or CI. Multi-family dwellings and mixed-use projects are not permitted in CG or CI.</p>
<p>General Plan land use map change for five parcels on the west side of Redwood Boulevard between San Marin Drive and the Novato city limits from Light Industrial Office (LIO) to Business and Professional Office (BPO). Please see Programs LU 27a through LU 27c and Figure GP-8 (p. 2-33 & 2-34) for a program description and location of these parcels.</p>	<p>Changes allowable land uses from light industrial activities to offices.</p> <p>FAR remains at 0.40.</p> <p>Live/work is allowed under LIO or BPO. Multi-family dwellings and mixed-use projects are not permitted in LIO or BPO.</p> <p>Staff is recommending leaving the Birkenstock parcel designated LIO.</p>
<p>General Plan land use map and zoning map change for a property owned by North Marin Water District located off of Reservoir Drive and Oleander Lane (APN 153-111-15) from Business and Professional Office (BPO) to Very Low Density Residential (RVL) and application of Planned District (PD) zoning.</p>	<p>Approximately 1 acre parcel.</p> <p>Development intensity changes from 0.4 FAR to 1.0 dwelling unit per acre.</p> <p>Live/work is allowed under BPO. Multi-family dwellings and mixed-use projects are not permitted in BPO</p>

Description	Policy Implications
	<p>Shift to RVL would allow single-family residential only.</p> <p>Projected development potential of one (1) single-family residence due to hillside constraints.</p> <p>State density bonus law could be applied to a qualifying single-family residential proposal under the RVL designation.</p>
<p>Rezone two parcels owned by North Marin Water District located off of Spinosa Way (APNs: 141-110-06 & 07) from Community Facilities (CF) to Low Density Residential (R1) with a minimum lot size of 40,000 sq. ft. (R1-40).</p>	<p>These parcels are currently assigned the Low Density Residential (R1) land use designation and are to retain this designation under General Plan 2035. The proposed rezone would correct a Zoning Map inconsistency that currently assigns the Community Facility (CF) zoning district to these parcels.</p> <p>Projected development potential of one (1) single-family residence for each parcel due to hillside constraints.</p> <p>These parcels are located within a ½-mile of San Marin SMART station.</p> <p>The current zoning inconsistency would, by State law, result in reliance on the R1 General Plan land use designation, which allows single family residential units.</p> <p>State density bonus law could be applied to a qualifying single-family residential proposal based on the existing R1 designation.</p>
<p>General Plan land use map and zoning map change for 12 parcels on Clayton Court from Medium Density Multiple Family Residential (R10) to Low Density Residential (R1) and R10-4.5 zoning to R1-7.5 zoning.</p>	<p>Approximately 7,500 sq. ft. parcels; all are developed with single-family residences.</p> <p>Places existing single-family homes in a single-family land use category and zoning district.</p> <p>These parcels are not factored into any housing projections contained in the Housing Element.</p>
<p>General Plan land use map and zoning map change for 12 parcels on the west side of First Street between Vallejo Avenue and Olive Avenue from Mixed Use (MU) to Medium Density Multiple Family (R10) and Mixed Use (MU) zoning to R10-2.2 zoning.</p>	<p>Sites currently developed with a mix of multi-family, single-family, and commercial uses.</p> <p>Parcels are approximately 7,500 sq. ft. in area each.</p>

Description	Policy Implications
	<p>Change would conform currently non-conforming residential uses –multi-family and single-family units.</p> <p>Changes would render existing mixed-use (commercial component) and stand-alone commercial uses non-conforming. Such uses can continue operating, but will not be able to expand, relocate within an existing site, or be reconstructed if destroyed.</p> <p>Eliminates the requirement for commercial uses if redevelopment occurs.</p> <p>Recommended base density range of 10.0 to 20.0 dwelling units per acre would be the same whether MU or R10.</p> <p>These parcels are located within ½-mile of the Downtown SMART station.</p> <p>SB 35 and State density bonus law could be applied to a qualifying residential proposal under the existing MU designation or proposed R10 designation.</p>
<p>Rezone 200 parcels in the Northwest Quad from R10-4.5 to R10-NWQ.</p>	<p>Retains existing General Plan land use designation and density allowing up to 20.0 dwelling units per acre. However, repeals previous zoning limitation requiring retention of existing single-family homes thereby increasing potential development capacity.</p> <p>Some of the parcels in this area are located within a ½-mile radius of the Downtown SMART station.</p> <p>SB 35 and State density bonus law could be applied to a qualifying residential proposal under the existing R10-4.5 zoning classification or proposed R10-NWQ zoning classification.</p>
<p>Change boundary of Downtown Overlay on General Plan Land Use Map and Zoning Map to remove three parcels from the Overlay, including APNs 153-390-01, 153-091-10, and 153-121-03.</p>	<p>Parcels will remain regulated by standard Mixed-Use (MU) zoning. These parcels would not be subject to design guidelines planned for the Downtown overlay.</p> <p>This change does not alter the existing potential to propose a mixed-use project incorporating multi-family dwellings.</p>
<p>General Plan land use map and zoning map change for two parcels in Bahia (APNs 143-151-20 and 153-151-</p>	<p>These parcels are owned by the Marin County Open Space District and Marin Audubon and are held for</p>

Description	Policy Implications
24) from Low Density Residential (R1) and Planned District (PD) zoning to the Conservation (CON) land use designation and zoning classification.	<p>conservation. Accordingly, a residential land use designation is no longer appropriate.</p> <p>These parcels are not factored into any housing projections contained in the Housing Element.</p>
Change GP Land Use Map for five parcels at Hamilton Field from Multi-Family to Open Space (APNs 155-500-66; 157-180-53; 157-180-72) and one parcel from Single Family and Multi-Family to Community Facilities (APN 157-860-04 157-980-09).	<p>Conforms land use to recognize City ownership for the purpose of maintaining these parcels as open space and community facilities.</p> <p>These parcels are not factored into any housing projections contained in the Housing Element.</p>
General Plan land use map and zoning map change for three parcels (APNs 155-400-01, -02, -04, -06, and -07) south of Marin Valley Mobile Country Club from Low Density Residential (R1) to Open Space (OS).	<p>These parcels were placed in the Federal Lands to Parks Program in 2017 and are not available for development pursuant to the deed covenants of the Program. This land use change merely conforms the General Plan land use designation to respect the covenants of the Lands to Parks program.</p> <p>These parcels are not factored into any housing projections contained in the Housing Element.</p>

California Government Code §66300 prohibits legislative actions resulting in a net loss of residential development capacity. Several of the actions noted above modify the land use classification and/or development intensity (density and/or floor area ratio) of affected parcels, as well as assign residential density ranges to all non-residential land use categories allowing multi-family residential units in mixed-use developments. Consistent with California Government Code §66300, none of these actions result in the reduction of housing opportunities or intensity so that there would be a net loss in residential development capacity in Novato. In some instances, the changes improve the potential for residential development. The specific facts to support these observations are presented in the draft resolution recommending adoption of General Plan 2035.

Findings to Adopt General Plan 2035

General Plan 2035 has been prepared pursuant to the requirements of Article 5, *Authority for and Scope of General Plans*, of the California Government Code. Accordingly, a draft resolution providing specific findings to support adoption of General Plan 2035 is presented for Planning Commission consideration. The findings presented in the resolution acknowledge the process to prepare and adopt General Plan 2035, the Plan’s consistency with the required contents of general plans as stipulated in State law, and the Plan’s connection to the City’s Strategic Plan. The City’s Strategic Plan can be accessed at: [Novato Strategic Plan](#)

Environmental Review

As mentioned earlier, the FEIR for General Plan 2035 consists of the Draft EIR coupled with a response to comments section, a list of modifications to the text of the Draft EIR based on

comments received, and a mitigation monitoring and reporting program. The following discussion focuses on explaining the response to comments, text edits, statement of overriding considerations, and mitigation monitoring.

Response to Comments & Recommended Edits

Section 8 of the FEIR provides responses to all of the comments submitted on the Draft EIR. Many comments were addressed to the merits of General Plan 2035. However, a variety of comments raised questions, suggested modifications, and noted corrections regarding the impact analyses in the DEIR. Overall, the comments received on the Draft EIR did not raise any issues requiring substantive revision of the EIR.

Text edits to the Draft EIR are recommend to correct minor errors, update select background information, amplify certain impact analyses, and add additional detail to several mitigation measures as requested by certain commenters. The edits to the Draft EIR are embedded in the response to comments (Section 8 of the FEIR) and are noted by underline for added text and ~~strikeout~~ for deleted text. The text edits do not introduce significant new information or otherwise affect the analysis or conclusions of the EIR such that recirculation would be required under *CEQA Guidelines* §15088.5.

To recommend certification of the FEIR the Planning Commission must make the following determinations:

- a. The Final EIR has been completed in compliance with the California Environmental Quality Act (California Public Resources Code § 21000 - 21178) and the City of Novato Environmental Review Guidelines; and
- b. The Final EIR was presented to the Planning Commission, which, at a hearing before the public, reviewed and considered the information contained in the Final EIR prior to making a recommendation to the City Council regarding the Project; and
- c. The Final EIR reflects the City's independent judgment and analysis as Lead Agency.

In addition, the Planning Commission must find and recommend that all significant environmental effects of General Plan 2035 have been reduced to a less-than-significant level in that all significant environmental effects have been eliminated or substantially lessened by modifications (mitigation measures) to the Plan, with exception of those significant and unavoidable transportation impacts that are the subject of a statement of overriding considerations (as discussed below).

The specific facts supporting the noted findings are provided in the CEQA resolution presented for Planning Commission consideration.

CEQA does not demand perfection, require speculation, or dictate the exhaustive analysis of potential environmental impacts, but rather requires a reasonable analysis and disclosure of impacts. Accordingly, staff believes that the FEIR represents a good faith disclosure of the

potential implications of implementing General Plan 2035 and the creation of life sciences campuses in the Hamilton and Ignacio Industrial Parks. Further, staff considers the responses to comments included in FEIR to likewise be provided in good faith, with a reasoned analysis of the environmental issues raised by the comments received.

Staff recommends certification of the FEIR.

Statement of Overriding Considerations

As discussed in the Draft EIR (see FEIR p. 4.14-25), implementation of General Plan 2035 and its associated actions (e.g., life sciences campuses) would result in significant and unavoidable traffic impacts at four intersections (as numbered in the Draft EIR) and along the Bel Marin Keys Boulevard corridor:

- #4. Redwood Boulevard/San Marin Drive
- #5. US 101 South Ramps/San Marin Drive
- #6. US 101 North Ramps/Atherton Avenue
- #32. US 101 South Ramps/Ignacio Boulevard – Enfrente Road

Please refer to the Planning Commission staff report of April 13, 2020, linked above for a summary of these impacts.

These transportation impacts are assigned mitigation measures that are physically feasible to implement and would improve traffic flow and vehicle queuing capacity, thereby reducing impacts to a less than significant level. However, implementation of the assigned mitigations requires improvements on facilities within CalTrans jurisdiction. As a result, the City cannot guarantee CalTrans will grant the City permits to install the recommended mitigations. Given this uncertainty, it is necessary to classify the impacts at these intersections as significant and unavoidable.

CEQA allows lead agencies to approve projects despite having significant and unavoidable impacts by adopting a statement of overriding considerations. A statement of overriding considerations documents the reasons why an agency chose to approve a project despite its significant and unavoidable impacts based on range of balancing factors, including economic, legal, social, technological, or other benefits conveyed by the project.

Staff is recommending adoption of a statement of overriding considerations for General Plan 2035 and its implementing actions. In this instance, the economic, legal, social, and technological benefits of General Plan 2035 and the life sciences campus initiative, independently and collectively, outweigh the significant and unavoidable impacts at the intersections noted above. Such benefits include the implementation of policies and programs preserving and enhancing community character, improving multi-modal transportation facilities, increasing community sustainability, providing high-quality and diverse housing opportunities, increasing economic vitality via new job and business creation, supporting technological advancements in the area of

life sciences, and maintaining compliance with current law addressing the content of general plans. Exhibit B of the attached CEQA resolution provides specific facts to support adoption of a statement of overriding considerations for General Plan 2035 and its implementing actions.

Acceptance of the noted significant and unavoidable impacts does not mean the City will forego efforts to obtain permits from CalTrans to implement the recommended mitigations. The City will work with CalTrans regarding the proposed mitigations. In addition, future projects will be subject to discretionary review procedures through which the City will consider traffic flow and queuing capacity at the noted intersections. As these reviews occur, decision makers will be updated on the status of applicable mitigation measures when making decisions on such projects.

Mitigation Monitoring and Reporting Program

CEQA requires lead agencies to adopt a mitigation monitoring and reporting program (MMRP) before approving a project. The purpose of an MMRP is to ensure required mitigation measures identified in the EIR are implemented during project activities to avoid or reduce potential environmental impacts.

The MMRP proposed for General Plan 2035 and its associated actions is provided as Exhibit C to the CEQA resolution presented for Planning Commission consideration. The MMRP lists each mitigation measure, summarizes the implementing action(s), specifies the timing of monitoring, monitoring frequency, and identifies the party(ies) responsible for implementation.

Implementation of the recommended mitigation measures requires modification of General Plan 2035 to include the following:

1. Mitigation Measure BIO-1: Modify Environmental Stewardship Chapter (formerly “Environmental Legacy Chapter”) Goal 1 to read:

“Preserve, enhance, and restore natural areas and features, including Novato’s scenic hillsides, waterways, riparian corridors, ~~and~~ baylands, and special status species.”

2. Mitigation Measure BIO-5: Modify Environmental Stewardship Chapter (formerly “Environmental Legacy Chapter”) Policy EL 3 to read:

“Policy EL 3 Wildlife Habitat. Endeavor to preserve and enhance wildlife habitat areas and wildlife movement corridors in watercourse areas and control human use of these areas necessary to protect them.”

3. Mitigation Measure TCR-1: Add the following policy under Goal CC 1 (p. 2-47) and renumber policies accordingly:

“Tribal Cultural Resources Protection. The City shall comply with AB 52, which may require formal tribal consultation on a project-by-project basis.”

These edits will be made to General Plan 2035 after the City Council has taken action to certify the Final EIR as part of the action to adopt the Plan.

The MMRP meets the requirements of CEQA and is recommended for adoption.

RECOMMENDATION

Final EIR – Recommend Certification

Staff recommends the Planning Commission adopt the attached CEQA resolution recommending the City Council certify the Final EIR for General Plan 2035 and its implementing actions based on the CEQA findings presented in Exhibit A, the Statement of Overriding Considerations provided in Exhibit B, and the Mitigation Monitoring and Reporting Program attached as Exhibit C.

General Plan 2035 - Recommend Adoption

Staff recommends the Planning Commission adopt the attached resolution recommending the City Council adopt General Plan 2035 with the revision to retain the Light Industrial Office (LIO) land use designation currently applicable to the Birkenstock property, assigning a density range of 10.0 to 20.0 dwelling units per acre to the Mixed Use (MU), Neighborhood Commercial (CN), and Community Facilities (CF) land use designations, assigning a density range of 10.1 to 23.0 dwelling units per acre to the Downtown Core (CD) land use designation, and adding clarifying footnotes to Table GP-3.

COMMISSION ALTERNATIVES

1. Adopt resolutions as recommended by staff;
2. Adopt resolutions recommended by staff with revisions; or
3. Continue the item with direction to staff.

FURTHER ACTION

The Planning Commission's recommendations regarding General Plan 2035 and its accompanying Final EIR will be presented to the City Council at a future noticed public hearing.

POST-ADOPTION ACTIVITIES

The Community Development Department will immediately begin efforts to bring forward implementing actions of General Plan 2035. These items include ordinances addressing such issues as bee keeping, parking lot landscaping, lighting performance standards, community gardens, market gardens, and others specified in General Plan 2035. Staff will be giving priority to preparing amendments to the Novato Industrial Parks Master Plan related to life science campuses, updating the Novato Zoning Map to match the land use changes adopted with General Plan 2035,

updating the Zoning Code to revise references to the Downtown Specific Plan, and completing performance standards for the Northwest Quadrant focus area.

The Planning Commission will serve an advisory role in most, if not all, implementing activities of General Plan 2035.

ATTACHMENTS

1. Draft CEQA Resolution – Recommending Certifying the Final EIR
2. Draft Resolution – Recommending Adopting General Plan 2035 with Revisions
3. Correspondence